

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Mr. Dale Reich)	Proceeding: RM-10620
Proposing Certain Changes in)	
Amateur Radio Service Regulations)	

To: The Commission

COMMENTS

The comments set forth herein are respectfully submitted by Bradley Farrell of Alexandria, Virginia.¹

Petitioner Dale E. Reich (the “Petitioner”) sets forth several proposals in the Petition assigned docket number RM-10620 (the “Petition”), i.e., that the Federal Communications Commission (the “Commission”) should amend the Amateur Radio Regulations (the “Regulations”) by (1) granting, without examination, automatic license upgrades to Extra Class for Novice and Advanced Class licensees who have held their licenses at least twenty years or who have reached age 62, (2) restoring 1950s-era spectrum and mode privileges to Novice Class licensees, and (3) granting additional grace periods for the renewal of Amateur Radio license held by active-duty military personnel.

¹ Holder of an Amateur Radio license for 24 years and an accredited volunteer examiner under the Commission’s volunteer examiner program.

Petitioner Fails To Offer Substantiating Evidence

The Petitioner points to no development or evidence, factual or otherwise, that could possibly support the proposals set forth in the Petition. The Petitioner's proposals are based entirely on the unsubstantiated opinions of the Petitioner. For example, the Petitioner states that the "object is to start to make reasonable merges of the sub bands [sic] between Advanced and Extra Class licensee's [sic] to end some minor confusion." Petition at 2. Yet the Petitioner offers no explanation as to what "confusion" exists, any evidence whatsoever of any alleged confusion, nor any reasonable basis for merging the Advanced Class and Extra Class sub-bands.

Indeed, the entire Petition consists of baseless assertions. No evidence whatsoever is offered to support the Petitioner's assertion that Novice Class and Advanced Class licensees who passed a "tougher" exam than those currently used by the Commission possess the requisite knowledge and skills mandated by the Commission to obtain an Extra Class license; no evidence whatsoever is offered to support the Petitioner's assertion that restoring 1950s-era spectrum and mode privileges to Novice Class license holders will improve the public service or public safety capabilities of the Amateur Radio service; no evidence whatsoever is offered to support the Petitioner's assertion that active-duty military personnel who hold Amateur Radio licenses should be afforded a greater or different grace period than that already provided for under the Commission's regulations. Indeed no such evidence exists.

**Petitioner's Assertions Baseless; Would Place Burdens on
Commission**

1. Automatic License Upgrades for Novice and Advanced Class Licensees

The Petitioner's comments are conclusory and provide no factual basis or empirical evidence whatsoever for the bald assertion that Amateur Radio operators who hold Novice or Advanced Class licenses for at least twenty years should be granted an automatic license upgrade² to Extra Class. The Petitioner fails to refute evidence previously considered by the Commission in adopting and subsequently upholding the existing *incentive licensing* system, which requires that candidates for a new Amateur Radio license, or upgrade of an existing license, demonstrate certain basic knowledge and skills before the Commission will grant a new or upgraded license.

The only rationale offered in support of the proposed automatic license upgrades is the unsubstantiated claim that the subject license holders passed a "previous tougher exam that was past administered [sic]." Petition at 1. It requires no evidence to conclude that giving Amateur Radio operators automatic license upgrades based only on the length of time a lower class license is held risks causing confusion and harmful interference on Amateur Radio frequencies during public safety communications.

The Commission's current, sound Amateur Radio licensing scheme should not be amended or rescinded based on the Petitioner's unsubstantiated

² The Petitioner asserts in comments filed with the Commission in this matter on December 30, 2002 that he does not propose an "automatic upgrade." What the Petitioner proposes is indeed an automatic upgrade regardless of the administrative requirements needed to effect each upgrade.

assertions and personal opinions, and in the absence of any factual or empirical evidence.³ Adoption of the Petitioner's proposals without clear evidence that the changes will benefit and not degrade the Amateur Radio service would be an abandonment of the Commission's sound licensing policy.

The Petitioner also proposes that the Commission and the organizations and volunteers who constitute the Commission's volunteer examiner program be required to review and process applications for the proposed automatic upgrades and any corresponding supporting documentation. If adopted, the Petitioner's proposal would be administratively burdensome and may lead to fact-finding undertakings by the Commission. Such an approach will necessarily result in a drain on Commission resources.⁴

2. Restoration of Spectrum & Mode Privileges for Novice Class Licensees

The Petitioner has provided no basis for the assertion that spectrum and mode privileges available to Novice Class license holders of the 1950s be restored to all current Novice Class licensees. The Petitioner states that "[t]he object is to give some voice & data modes so that current novices [sic] can work a public service & public safety events [sic]." However, the Petitioner points to no development, factual or empirical evidence explaining why the privileges should be restored.

³ Certain recent enforcement actions taken by the Commission against Amateur Radio licensees may strongly weigh against the Petitioner's position that automatic license upgrades should be issued only on the basis of the number of years a licensee has held a lower class license.

The Petitioner also states “[i]n real emergencies, Novices need real voice communication on VHF in 2 meters and 6 meters [sic] like in the past.” The Petitioner’s argument is baseless. It is well established that in an emergency in which the need arises to safeguard life or property, any person whether licensed or not, and if licensed, regardless of license class held, may use any frequency and any mode of radio communication without fear of repercussion from the Commission.

The proposal to restore 1950s-era spectrum and mode privileges to Novice Class licensees is based entirely on the unsubstantiated opinion of the Petitioner and should be rejected by the Commission.

3. Additional Grace Periods for Licensees on Active-Duty Military Service

The Commission currently provides a two year grace period during which the former holder of an expired Amateur Radio license may restore the license to active status without re-examination or loss of the corresponding call sign. The Petitioner has provided no factual or empirical evidence in support of the assertion that additional grace periods should be granted to military personnel whose Amateur Radio licensees lapse while on active-duty. The Petitioner has stated no basis for why active-duty military personnel should be accorded privileges that would not be available to other licensees.

⁴ The Petitioner acknowledges in comments filed with the Commission in this matter on January 10, 2003 that the adoption of the automatic upgrade proposals may place administrative burdens on the Commission.

Amateur Radio licenses may be easily and timely renewed via the United States Postal Service or the Internet, services that are available to even front-line military personnel.

The Commission Should Reject Petitioner's Proposals

The Commission should reject the Petition in its entirety. The Petitioner has failed completely to offer any reasonable basis for the proposals set forth in the Petition. The absolute lack of factual or empirical evidence in support of the Petition renders the proposals meaningless. Furthermore, adoption of the automatic upgrade proposal would contravene sound Commission policy which requires that Amateur Radio licenses be granted only upon the demonstration of basic knowledge and skills by passing a Commission examination.

Respectfully submitted,

/s/ Bradley Farrell

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